

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 2:19-CR-10-PLM

v.

Hon. PAUL L. MALONEY
United States District Judge

GREGORY HALL SPARKMAN,

Defendant.

**BRIEF OF UNITED STATES IN SUPPORT OF MOTION
FOR DOWNWARD DEPARTURE**

In recognition of the substantial assistance provided by Defendant Gregory Sparkman in the investigation and prosecution of others, the United States respectfully requests that the Court a downward departure pursuant to Section 5K1.1 of the United States Sentencing Guidelines (USSG).

USSG §5K1.1 provides that “[u]pon motion of the government stating that the defendant has provided substantial assistance in the investigation or prosecution of another person who has committed an offense, the court may depart from the guidelines.” U.S.S.G. § 5K1.1 (Policy Statement).

Whether and to what extent to downwardly depart from the Sentencing Guidelines range is within the sound discretion of the Court after receiving such a motion. *See United States v. Organek*, 65 F.3d 60, 63 (6th Cir. 1995); *United States v. Snelling*, 961 F.2d 93, 97 (6th Cir. 1991). However, any such departure must be reasonable in light of the cooperation provided by the defendant. *Snelling*, 961 F.2d at 97.

Mr. Sparkman provided a truthful proffer in which he admitted his own guilt and explained the details of his own criminal misconduct. In addition, he also gave the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) complete access to his email account, which the defendant had previously used to coordinate firearms sales. The email correspondence led to several new investigative leads for the ATF in other cases. The information that the defendant provided was both new and helpful.

Because of his substantial assistance, the government recommends that Mr. Sparkman receive a two-level reduction in his sentencing guidelines range. The requested departure would drop his total offense level to 21, resulting in a guidelines range of 37-46 months.

The government recognizes that the decision of whether or not to grant a downward departure, and the extent of any such downward departure, is entirely within the discretion of the Court.

Respectfully submitted,

ANDREW BYERLY BIRGE
United States Attorney

Dated: July 8, 2020

/s/ Austin J. Hakes
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